

ER-9-0937/A

28 MAR 1957

Mr. Roger W. Jones  
Assistant Director for  
Legislative Reference  
Bureau of the Budget  
Washington 25, D. C.

Dear Mr. Jones:

I refer to a memorandum of 21 February 1957 from your office, requesting the comments of this and other agencies on a draft bill. To improve legal services in the Executive Branch of the Government by establishing an Office of Legal Services within the Department of Justice, defining the functions thereof, creating a legal career service, and for other purposes.

If this legislation were to be made applicable to the Central Intelligence Agency, it would create a number of serious problems. As the Bureau is aware, this Agency is engaged in a number of types of activities which have required the establishment of unique administrative procedures and regulations. The need for flexibility in establishing these procedures and regulations was reflected by the Congress in the provisions of the CIA Act of 1949, as amended, which exempt the Agency from the Classification Act and otherwise provide for broad discretionary powers in the Director, designed to afford maximum security protection and to enable the Agency to carry out its special functions without regard to administrative restrictions applicable to the Government as a whole.

As we interpret the draft bill establishing a legal career service, its application to this Agency would result in the imposition of conditions on employment, the evaluation of performance, etc., which would be inconsistent with the basic purpose of our legislation. I refer particularly to Sections 201(d) and 206(c) of the proposed bill. Our legal staff is necessarily involved in every aspect of Agency operations, and it would not be feasible to apply to members of this staff administrative procedures and regulations different from those applicable to other employees of the Agency. We believe that the present legislative and administrative arrangements, as they affect legal officers in this Agency, are entirely satisfactory to our purposes. Personnel in the Office of

the General Counsel are fully integrated with the rest of the Agency, and we have established a policy of attempting to utilize in that office, wherever possible, the services of legally trained employees who have had experience in other aspects of Agency operations.

Section 210 of the draft bill would appear to repeal or restrict present Agency authorities with regard to attorneys. For the foregoing reasons, and others which we would be prepared to discuss personally with appropriate members of the Staff of the Bureau of the Budget, we propose that the Central Intelligence Agency be exempted from the provisions of this draft bill.

Sincerely yours,

/s/ Norman S. Paul

Norman S. Paul  
Legislative Counsel

IG:LC:NSPaul/fm/blc (27 Mar. 57)

Orig. & 1 - Add

2 - Signer w/basic

1 - OGC *L*

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*Draft Concurred in by L. R. Houston 22 Mar. 57*

*Approved For Release  
CIA-RDP62-00631R000200170017-5*

4 March 1957

MEMORANDUM FOR: Legislative Counsel

SUBJECT : Draft Bill - "The Legal Career Service Act"

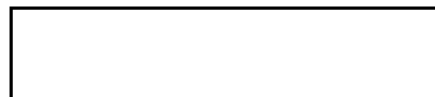
1. This bill is similar to H.R. 6115 introduced on 9 May 1955. Changes have been made in some of the substance but generally it follows the suggestions of the Hoover Commission Committee on legal services. This Office reviewed the report submitted to the Congress in March 1955 by the Committee on Organization of the Executive Branch of the Government, concerning legal services and procedure and the Deputy Director (Support) commented on it in a letter to the Director of the Bureau of the Budget on 4 May 1955. Much of our comment made at that time is applicable to the latest draft bill.

2. If this bill is enacted all attorneys in Federal service with stated exceptions for policy making and advisory positions and Assistant U.S. Attorneys will be members of the Legal Career Service under an Office of Legal Services in the Department of Justice. Appointment, tenure and promotion of attorneys would be subject to the limitations of the Act and this Agency would apparently lose its present absolute authority over the selection and control of employees insofar as those in attorney positions are concerned.

3. The provisions of several subsections of section 201(d) could seriously interfere with Agency authorities and procedures required by the nature of our business. Section 206(c) requires that all attorney positions be filled from Registers established and maintained by the Office of Legal Services and that all standards, procedures, regulations, and orders of the Office are binding on all agencies. Section 210 provides for the repeal of

conflicting laws. In view of the conflict between several sections of the bill and the present Agency authority to select and discharge its own employees it would appear that section 210 would serve to repeal Agency authority in regard to attorneys.

4. The Agency now has ample authority to employ its own legal staff. Experience has shown that Agency lawyers should be appointed to attorney positions from within Agency ranks. The peculiar nature of our business requires general experience in the Agency before appointment to the legal staff. It has been the experience of this Agency that under current Government organization and law we can maintain a legal staff which performs its required functions efficiently and gives sufficient recognition to the lawyers to attract those of the required ability and experience. The inflexibility of the proposed bill and the problems it would create for us are serious enough to justify this Agency seeking exception from it.



Office of General Counsel

STA

OGC/JDM:jcf

Distribution:

Orig. - Addressee

1. - Subject

1. - Signer

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1 TITLE I—DEPARTMENT OF JUSTICE

2 ASSISTANT DEPUTY ATTORNEY GENERAL FOR LITIGATION

3 SEC. 100. There shall be in the Department of Justice  
4 an officer learned in the law to assist the Attorney General  
5 and the Deputy Attorney General in the performance of  
6 their duties relating to litigation, and to perform such other  
7 duties as the Attorney General may prescribe. He shall  
8 be called the Assistant Deputy Attorney General for Liti-  
9 gation and shall be appointed by the President, by and with  
10 the advice and consent of the Senate. His compensation  
11 shall be at the rate of \$16,500 a year.

12 ASSISTANT DEPUTY ATTORNEY GENERAL FOR LEGAL  
13 ADMINISTRATION

14 SEC. 101. There shall be in the Department of Justice  
15 an officer learned in the law to assist the Attorney General  
16 and the Deputy Attorney General in the performance of  
17 their duties relating to legal administration, and to perform  
18 such other duties as the Attorney General may prescribe.  
19 He shall be called the Assistant Deputy Attorney General  
20 for Legal Administration and shall be appointed by the  
21 President, by and with the advice and consent of the Sen-  
22 ate. His compensation shall be at the rate of \$16,500 a  
23 year.



1           OFFICE OF LEGAL SERVICES AND PROCEDURE

2           SEC. 102. There shall be in the Department of Justice  
3 an Office of Legal Services and Procedure which shall be  
4 under the direction of an officer learned in the law to be  
5 known as the Director of the Office of Legal Services and  
6 Procedure. The Director shall (1) administer the legal  
7 career service established by section 201 of this Act in  
8 coordination with the United States Civil Service Commis-  
9 sion, (2) review the performance of legal services and  
10 recommend consolidations and reorganizations of legal staffs,  
11 and (3) perform such other duties as the Attorney General  
12 may prescribe. The Director of the Office of Legal Services  
13 and Procedure shall be appointed by the President, by and  
14 with the advice and consent of the Senate. His compen-  
15 sation shall be at the rate of \$15,000 a year.

16           CONFLICTS OF JURISDICTION OR STATUTORY

17                           INTERPRETATION

18           SEC. 103. Any department or agency of the Executive  
19 Branch of the Government may initiate a proceeding before  
20 the Office of Legal Counsel in the Department of Justice to  
21 resolve a conflict between it and any other department or  
22 agency with respect to, or arising out of, the application,  
23 construction, or interpretation of any statute. Such pro-

1 ceeding shall be initiated by the filing of a petition with such  
2 Office of Legal Counsel setting forth the details of the alleged  
3 conflict. A copy of said petition shall be served upon every  
4 department or agency with respect to which such conflict  
5 is alleged to exist. Answers to the petition shall be filed  
6 with the Office of Legal Counsel by the departments or  
7 agencies involved and shall be served upon the department  
8 or agency which initiated the proceeding. The Office of  
9 Legal Counsel shall receive briefs and hold informal hear-  
10 ings, and it shall either resolve the conflict itself by an  
11 opinion in writing which shall be binding on all departments  
12 and agencies which are parties to the proceeding, or author-  
13 ize the parties to initiate appropriate proceedings for that  
14 purpose in any court of competent jurisdiction if it finds that  
15 the issue is one of such gravity as to warrant judicial deter-  
16 mination thereof. Copies of all opinions of the Office of  
17 Legal Counsel shall be kept on file and shall be made avail-  
18 able to inspection by the interested departments and agencies.  
19 No department or agency shall litigate in the courts any  
20 such conflict between it and any other department or agency  
21 with respect to, or arising out of, the application, construc-  
22 tion, or interpretation of any statute, unless such litigation  
23 is authorized by the Office of Legal Counsel.

1       LEGAL SERVICES FOR DEPARTMENTS AND AGENCIES

2       SEC. 104. The Department of Justice shall provide  
3       legal services for, and assign legal personnel to, all Executive  
4       departments and independent establishments which require  
5       legal services or personnel, but which do not have statutory  
6       authority for, or do not maintain, a separate legal staff. ✓

7                               REPEALS

8       SEC. 105. All laws or parts of laws inconsistent with the  
9       provisions of this title are hereby repealed.

10       TITLE II—LEGAL CAREER SERVICE

11                               DEFINITIONS

12       SEC. 200. For the purpose of this title, the following  
13       definitions shall apply—

14       (a) LEGAL FUNCTIONS.—“Legal functions” shall in-  
15       clude, but shall not be limited to, the giving of legal advice  
16       or counsel, the drafting or interpretation of legal instruments  
17       or legislation, and legal representation in adversary or other  
18       proceedings before courts or administrative agencies.

19       (b) OFFICE.—“Office” shall mean the Office of Legal  
20       Services and Procedure in the Department of Justice.

21       (c) DIRECTOR.—“Director” shall mean the Director of  
22       the Office of Legal Services and Procedure in the Department  
23       of Justice.

1 (d) COMMISSION.—“Commission” shall mean the  
2 United States Civil Service Commission.

3 (e) AGENCY.—“Agency” shall include any board, com-  
4 mission, and independent establishment in the Executive  
5 Branch of the Government, other than an Executive depart-  
6 ment.

7 (f) GENERAL REGISTER.—“General register” shall  
8 mean a register composed of applicants for legal service in  
9 the Executive Branch of the Government.

10 (g) SPECIAL REGISTER.—“Special register” shall mean  
11 a register of career attorneys who, after the effective date of  
12 this Act, have been separated from Government service in  
13 the course of a reduction in force.

14 ESTABLISHMENT OF LEGAL CAREER SERVICE

15 SEC. 201. (a) ESTABLISHMENT.—A legal career serv-  
16 ice is hereby established in the Executive Branch of the  
17 Government. The legal career service shall include all  
18 civilian attorney positions in the Executive Branch of the  
19 Government, except those included within the terms of sec-  
20 tions 203 and 208 of this title.

21 (b) GENERAL ADMINISTRATION.—The legal career  
22 service shall be administered by the Office in accordance with  
23 the policy of promoting efficiency and economy in the con-  
24 duct of the business of the Executive Branch of the Govern-  
25 ment, of developing and maintaining a professional spirit

1 among attorneys serving throughout the Executive Branch  
2 of the Government, of enabling departments and agencies  
3 to obtain and retain attorneys of high character and ability,  
4 and of maintaining within the Executive Branch of the  
5 Government a corps of legal personnel dedicated to the ad-  
6 ministration of governmental affairs according to law.

7 (c) DUTIES OF OFFICE.—Pursuant to such policy, the  
8 Office, with the advice and assistance of the Legal Services  
9 Advisory Committee provided for by section 202 of this  
10 title, shall—

11 (1) establish and maintain uniform standards and  
12 procedures for qualifying, rating, and classifying appli-  
13 cants for attorney positions, taking due account of educa-  
14 tion, experience, professional competence, character, and  
15 other relevant factors;

16 (2) establish and operate a recruitment program to  
17 bring superior law school graduates, from all sections  
18 of the United States, into the legal career service;

19 (3) establish and operate a program to receive  
20 applications of experienced attorneys for positions in  
21 the legal career service;

22 (4) establish and maintain a general register of  
23 qualified applicants for all grades of attorney positions,  
24 and assign appropriate ratings to such applicants;

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1           (5) establish standards and procedures for appoint-  
2           ments to attorney positions of attorneys not on the  
3           general register when especially desired by a depart-  
4           ment or agency or when emergency or unusual situa-  
5           tions justify such appointments, subject to the pro-  
6           visions of section 206 (e) of this title;

7           (6) establish and maintain a special register of  
8           career Government attorneys who have been separated  
9           from their former positions through reduction in force,  
10          who shall receive first consideration for any vacant  
11          attorney position for which they are qualified;

12          (7) certify to any department or agency, which has  
13          a vacant attorney position for which there is no attorney  
14          qualified and available on the special register, a list of  
15          the highest rated applicants on the general register, not  
16          to exceed five in number, who are qualified for such  
17          position;

18          (8) establish and maintain uniform standards and  
19          procedures for promotion of attorneys in the legal career  
20          service based upon meritorious performance of profes-  
21          sional duties, professional and administrative responsi-  
22          bilities, and length of satisfactory service;

23          (9) establish and maintain uniform standards of  
24          procedures for the transfer of attorneys from an attorney

11

1 position in one department or agency to an attorney  
2 position in another department or agency when in the  
3 best interests of the Government;

4 (10) establish and maintain uniform standards and  
5 procedures which shall be followed by the departments  
6 and agencies in classifying their attorney positions under  
7 section 204 of this title;

8 (11) establish and maintain uniform standards and  
9 procedures for evaluating the quality of performance of  
10 legal functions by persons in attorney positions;

11 (12) establish and maintain uniform standards and  
12 procedures for dismissal of attorneys under the provi-  
13 sions of section 205 of this title;

14 (13) establish and maintain uniform standards and  
15 procedures to insure that the separation of attorneys in  
16 the course of a reduction in force shall be based upon  
17 quality of performance of professional duties, nature of  
18 work performed, years of Government service (includ-  
19 ing service in the armed forces), character, age, and  
20 other relevant factors;

21 (14) from time to time, evaluate the performance  
22 of legal services in the Executive Branch of the Govern-  
23 ment for the purpose of improving the efficiency, econ-  
24 omy, and quality of performance of legal services, and

1 make such recommendations to the chief legal officer or  
2 the head of a department or agency, or to the Congress,  
3 as may be appropriate in the circumstances;

4 (15) designate, or remove the designation of, attor-  
5 ney positions in the Executive Branch of the Govern-  
6 ment in accordance with section 203 of this title;

7 (16) when feasible, assist departments or agencies  
8 in preparing job training programs for attorneys;

9 (17) assist attorneys in locating those attorney  
10 positions for which they have the greatest aptitude and  
11 preference;

12 (18) certify to the President administrative or pol-  
13 icymaking attorney positions, as provided in subsec-  
14 tions (f) and (g) of section 203 of this title;

15 (19) promulgate regulations and orders and pre-  
16 scribe the effective dates thereof; and

17 (20) take other appropriate action to carry into  
18 effect the foregoing enumeration of duties and functions,  
19 and the policy and purposes of this title.

20 LEGAL SERVICES ADVISORY COMMITTEE

21 SEC. 202. (a) ESTABLISHMENT.—There is hereby  
22 established a Legal Services Advisory Committee, herein-  
23 after referred to as the "Committee", which shall advise and  
24 assist the Office and the Director in the performance of the



1 duties and functions set forth in section 201 (c) of this title.

2 The Committee shall be composed as follows:

3 (1) The chief legal officer of each Executive depart-  
4 ment shall select one member from his own legal staff;

5 (2) The chief legal officer of each agency which has  
6 100 or more attorney positions and which is not an organiza-  
7 tional unit within an Executive department shall select one  
8 member from his own legal staff; and

9 (3) The chief legal officers of the remaining agencies  
10 which are not organizational units within Executive depart-  
11 ments shall, acting jointly, select five members from among  
12 their respective legal staffs.

13 (b) GENERAL POWERS.—The Committee shall choose  
14 its own chairman, but he shall not be an employee of the  
15 Department of Justice. The Committee shall have access  
16 to the files and records of the Office and shall meet upon  
17 the call of the Director or the Chairman or a majority of the  
18 members of the Committee. The Chairman may appoint  
19 subcommittees to assist the Committee in the performance of  
20 its functions.

21 (c) REVIEW OF OFFICE REGULATIONS.—All regula-  
22 tions promulgated by the Office pursuant to this title shall be  
23 presented to the Committee not less than thirty days prior  
24 to their respective effective dates. If two-thirds or more of

1 all its members agree, the Committee may modify or set  
2 aside any such regulation within said thirty-day period.

3 DESIGNATION OF ATTORNEY POSITIONS

4 SEC. 202. (a) IN GENERAL.—For the purpose of entry  
5 into the legal career service upon the effective date of this  
6 Act, all positions classified by the Commission as attorney  
7 positions on October 1, 1954, are hereby designated as  
8 attorney positions, and such designations shall continue to  
9 be effective until the designation of attorney positions shall  
10 be made by the Office pursuant to subsection (b) of this  
11 section.

12 (b) PROCEDURE.—Within one year after the effective  
13 date of this Act, the Office, with the advice and assistance  
14 of the Commission, shall examine the legal services per-  
15 formed in each department and agency, and shall designate  
16 as attorney positions those positions which require to a sub-  
17 stantial extent performance of legal functions. Not less than  
18 thirty days before the proposed date for designating any posi-  
19 tion as an attorney position, the Office shall certify its pro-  
20 posed designation to the Commission. If no objection to  
21 such proposed designation is received from the Commission  
22 by the proposed date of designation, such position shall be  
23 so designated on such date, and notice thereof shall be given  
24 by the Office to the department or agency in which the posi-  
25 tion is located. If timely objection to such designation is

1 received from the Commission, the Office and the Commis-  
2 sion shall submit their respective views thereon to the Office  
3 of Legal Counsel of the Department of Justice, and the Office  
4 shall not designate the position in question as an attorney  
5 position unless the said Office of Legal Counsel shall so direct.

6 (c) UNDESIGNATED POSITIONS.—When the Office has  
7 reason to believe that the duties of any position newly cre-  
8 ated or not previously designated as an attorney position  
9 are such as to justify its designation as an attorney position,  
10 it shall examine the duties of such position, and may desig-  
11 nate it as an attorney position in accordance with the pro-  
12 cedure specified in subsection (b) of this section.

13 (d) REMOVAL OF DESIGNATION.—When the Office has  
14 reason to believe that the duties of any position previously  
15 designated as an attorney position have changed sufficiently  
16 to warrant a review of such designation, it shall reexamine  
17 the duties of such position, and may remove its designation  
18 as an attorney position.

19 (e) REMOVAL OF UNQUALIFIED PERSONNEL.—When  
20 a position is designated as an attorney position, and the  
21 Director finds that it is occupied by a person who is not  
22 qualified for such position under the standards established  
23 by the Office in accordance with section 201 (c) of this  
24 title, such person shall be removed from such position within  
25 thirty days from the date of designation as an attorney

1 position, and assigned other duties, and the position shall  
2 be filled by a qualified person. The Commission shall  
3 endeavor to reassign any person so removed to a suitable  
4 position for which he is qualified. If the Commission is  
5 unable to reassign such person within thirty days after  
6 the date of his removal, his employment shall be terminated,  
7 and his rights shall be determined as in the case of a person  
8 whose employment is terminated because of a reduction in  
9 force.

10 (f) EXCEPTED POSITIONS.—At the time of examining  
11 the performance of legal services in each department and  
12 agency as provided in subsection (b) of this section, the  
13 Office shall ascertain those attorney positions in the Senior  
14 Attorney and Attorney Grade 1 classifications provided in  
15 section 204 of this title which are administrative positions or  
16 which involve to a substantial extent the policymaking func-  
17 tion, and shall certify such positions in each department or  
18 agency to the President. Authority is hereby expressly  
19 given for the President, by Executive order, to select from  
20 among the attorney positions so certified those positions  
21 which he deems to be essential administrative or policymak-  
22 ing positions which should be excepted from the legal career  
23 service: *Provided*, That in any case where there is more than  
24 one position in the Senior Attorney or Attorney Grade 1

1 classifications, not more than one-half of the attorney positions  
2 in the Senior Attorney classification, and not more than one-  
3 half of the attorney positions in the Attorney Grade 1 classifi-  
4 cation, in each department or agency, shall be excepted from  
5 the legal career service. Attorney positions certified to the  
6 President but not determined by him to be administrative or ✓  
7 policymaking positions in the manner herein provided shall be  
8 included by the Office in the legal career service. Prior to  
9 any such certification to the President, the Office may consult  
10 with the Commission and the Legal Services Advisory Com-  
11 mittee, but in the event of conflict the decision of the Director  
12 of the Office as to attorney positions to be certified to the  
13 President shall be final.

14 (g) CERTIFICATION TO PRESIDENT.—(1) There shall  
15 be only one certification to the President and selection by him  
16 of administrative and policymaking attorney positions in each  
17 department or agency in accordance with subsection (f) of  
18 this section.

19 (2) Whenever the Office finds that an attorney position  
20 involves an administrative or policymaking function, is not  
21 a part of a device or attempt to evade the purpose and intent  
22 of this title, and has not been previously certified to the  
23 President under subsection (f) of this section, the Office

1 shall certify such position to the President for selection by  
 2 him and exception from the legal career service in accord-  
 3 ance with subsection (f) of this section.

4 (3). When the Office determines that the functions of  
 5 an attorney position, previously certified to and selected by  
 6 the President as an administrative or policymaking position  
 7 in accordance with this subsection or subsection (f) of this  
 8 section, have changed to the extent that such position no  
 9 longer involves such an administrative or policymaking  
 10 function, such position may be designated by the Office,  
 11 with the approval of the President, as an attorney position  
 12 in the legal career service. Within sixty days after such  
 13 approval by the President, such position shall be filled by a  
 14 qualified attorney in the legal career service.

15 ATTORNEY GRADE CLASSIFICATIONS

16 SEC. 204. (a) ESTABLISHMENT.—Without regard to  
 17 the Classification Act of 1949, as amended, attorneys and  
 18 attorney positions in the Executive Branch of the Govern-  
 19 ment shall be classified and compensated as follows:

Grade	Salary range per annum
Senior Attorney-----	\$12,000 to \$17,500
Attorney Grade 1-----	10,800 to 11,800
Attorney Grade 2-----	9,600 to 10,600
Attorney Grade 3-----	7,040 to 9,360
Attorney Grade 4-----	5,060 to 6,940
Attorney Grade 5-----	4,205 to 4,955

20 (b) ASSIGNMENT.—For the purpose of initial entry  
 21 into the classification schedule provided for by subsection (a)

19:

1 of this section, any person in an attorney position as defined  
2 in section 202 (a) of this title shall be assigned the grade  
3 and salary most nearly corresponding to his grade and salary  
4 immediately prior to the date of such assignment.

5 (c) ADVANCEMENT.—Subject to the provisions of sec-  
6 tion 206 (a) and (b) of this title, increases in the salary  
7 or advances in the grade of a person occupying an attorney  
8 position shall, subject to budgetary limitations, be made by  
9 the chief legal officer of the department or agency in which  
10 such position is located, with the approval of the head of  
11 such department or agency, but only in accordance with the  
12 standards, procedures, regulations and orders established and  
13 promulgated by the Office pursuant to section 201 (c) of  
14 this title: *Provided*, That no person, other than a person in-  
15 cluded within the terms of section 208 of this title, shall be  
16 appointed or promoted to Attorney Grade 1 or Senior  
17 Attorney without the approval of the Office.

18 (d) ATTORNEY GRADES.—(1) Attorney Grade 5 in-  
19 cludes all classes of positions the duties of which are to per-  
20 form, under immediate supervision, routine legal work not  
21 requiring the exercise of independent legal judgment.  
22 (2) Attorney Grade 4 includes all classes of positions  
23 the duties of which are to perform, under immediate or gen-  
24 eral supervision, somewhat difficult and responsible legal

1 work requiring the limited exercise of independent legal  
2 judgment.

3 (3) Attorney Grade 3 includes all classes of positions  
4 the duties of which are to perform, under general super-  
5 vision, difficult and responsible legal work requiring the  
6 exercise of independent legal judgment.

7 (4) Attorney Grade 2 includes all classes of positions  
8 the duties of which are to perform, under general adminis-  
9 trative supervision, very difficult and responsible legal work  
10 requiring considerable latitude in the exercise of independent  
11 legal judgment, and limited supervisory or administrative  
12 responsibility for subordinate attorneys.

13 (5) Attorney Grade 1 includes all classes of positions  
14 the duties of which are to perform, under general adminis-  
15 trative direction, legal work of exceptional difficulty and  
16 responsibility requiring very wide latitude in the exercise  
17 of independent legal judgment, and general supervisory or  
18 administrative responsibility for subordinate attorneys and  
19 other employees in limited numbers.

20 (6) Senior Attorney includes all classes of positions  
21 the duties of which are predominantly in the area of estab-  
22 lishing legal policy, and which involve broad supervisory or  
23 administrative responsibilities over subordinate attorneys  
24 and other employees in large numbers.



DISMISSALS

1

2       SEC. 205. (a) DURING FIRST THREE YEARS.—During  
3 the first three years of service in an attorney position, an  
4 attorney shall be subject to dismissal by the chief legal officer  
5 of his department or agency, without any other formality  
6 than thirty days' notice.

7       (b) AFTER FIRST THREE YEARS.—After a total length  
8 of service of at least three years in an attorney position, an  
9 attorney shall be dismissed only for cause, in accordance with  
10 the standards, procedures, regulations, and orders established  
11 and promulgated by the Office pursuant to section 201 (c)  
12 of this title. Before an attorney is dismissed for cause, he  
13 shall be given written notice thereof by the chief legal officer  
14 of his department or agency, with a statement of the grounds  
15 for his proposed dismissal, and shall be afforded an oppor-  
16 tunity to respond in writing to such statement before such  
17 chief legal officer prior to issuance of the initial dismissal  
18 notice. If such notice is issued by the chief legal officer,  
19 the attorney shall be entitled to submit a statement and affi-  
20 davits in support of his retention, which shall be reviewed  
21 by the head of his department or agency prior to issuance  
22 of a final notice of dismissal, which shall become effective  
23 not less than thirty days after the date thereof.

1 (c) SERVICE DEFINED.—For the purposes of this sec-  
2 tion, service in an attorney position performed prior to the  
3 effective date of this Act shall be included in determining  
4 length of service.

5 GENERAL PROVISIONS

6 SEC. 206. (a) EXISTING REQUIREMENTS.—Until the  
7 registers, standards, procedures, regulations, and orders estab-  
8 lished and promulgated pursuant to section 201 (c) of this  
9 title become effective as provided therein, the existing re-  
10 quirements, standards, and procedures for the recruitment,  
11 appointment, classification, promotion, transfer, dismissal,  
12 or reduction in force of persons in attorney positions, not  
13 otherwise changed by this Act, shall continue in force.

14 (b) NEW REQUIREMENTS.—On and after their respec-  
15 tive effective dates, all standards, procedures, regulations,  
16 and orders established and promulgated by the Office pur-  
17 suant to this title shall be binding upon all departments and  
18 agencies, and all requirements, standards, and procedures  
19 for the recruitment, appointment, classification, promotion,  
20 transfer, dismissal, or reduction in force of persons in attor-  
21 ney positions then in existence which are in conflict with  
22 the standards, procedures, regulations, and orders so estab-  
23 lished and promulgated by such Office shall be null and void.

24 (c) AGENCY INFORMATION.—As soon as practicable  
25 after the effective date of this Act, all departments and

1 agencies shall submit to the Office copies of all pending  
2 and current applications for attorney positions in their pos-  
3 session, and shall keep the Office currently advised of all  
4 appointments to attorney positions prior to the effective  
5 date of the special and general registers provided for in sec-  
6 tion 201 (c) of this title.

7 (d) USE OF REGISTERS.—After the Office has pre-  
8 scribed qualifications' standards and procedures, prepared  
9 its special and general registers, and prescribed the effective  
10 dates thereof, no person shall be appointed to an attorney  
11 position except from among attorneys on the special register  
12 qualified for such position, or from the highest five applicants  
13 on the general register certified by the Office to the depart-  
14 ment or agency in which such vacancy exists, subject to the  
15 exceptions provided in subsection (e) of this section.

16 (e) EXCEPTIONS.—(1) When a department or agency  
17 wishes to employ an applicant for an attorney position who  
18 is not on the special or the general register, it may do so only  
19 if such applicant qualifies for such position in accordance with  
20 the standards and procedures established by the Office, and  
21 with the approval of the Office prior to such appointment:  
22 *Provided, That* all appointments of attorneys in Grade 5  
23 to attorney positions shall be from among the highest five  
24 applicants certified by the Office from the general register.

25 (2) When, in the opinion of a department or agency an

1 emergency or unusual situation arises justifying an exception  
2 to the requirement of appointment to attorney positions from  
3 the special or the general register, such department or agency  
4 may make such appointment or appointments on a tempo-  
5 rary basis and shall, at the time of such appointment, notify  
6 the Office to that effect. The Office may approve such ap-  
7 pointment and prescribe the term thereof, or disapprove such  
8 appointment and order the position filled from the special  
9 or general register, as the case may be.

10 (f) QUALIFICATIONS.—No individual shall occupy an  
11 attorney position after he has been employed for twelve  
12 months as an attorney at law in the Executive Branch of  
13 the Government unless he is, and thereafter remains, a mem-  
14 ber in good standing of the bar of the highest court of a  
15 State, Territory, Commonwealth, or possession of the United  
16 States or of the District of Columbia.

17 ENFORCEMENT PROVISIONS

18 SEC. 207. Whenever the Office shall determine that any  
19 department or agency has made an appointment, classifica-  
20 tion, promotion, transfer, dismissal, or reduction in force  
21 involving an attorney position in violation of the provisions  
22 of this Act or any applicable standards, procedures, regula-  
23 tions, or orders established and promulgated thereunder, it  
24 shall certify such violation to the department or agency  
25 concerned, which shall take action in accordance with such

1 certification. Such certification shall be binding on all ad-  
2 ministrative, certifying, payroll, disbursing, and accounting  
3 officers of the Government.

4 EXCEPTIONS

5 SEC. 208. The provisions of this title shall not apply to  
6 hearing commissioners appointed under the Administrative  
7 Code, officers appointed by the President, by and with the  
8 advice and consent of the Senate, or persons occupying  
9 positions excepted herefrom by Executive order pursuant  
10 to the express statutory authority provided in subsection (f)  
11 of section 203 of this title.

12 SAVINGS CLAUSE

13 SEC. 209. Except to the extent that they are either  
14 expressly, or by necessary implication in this Act, made  
15 inapplicable to attorneys in the legal career service, all  
16 statutes, regulations, orders, standards, and procedures appli-  
17 cable to employees of the Executive Branch of the Govern-  
18 ment (including, but not limited to, those relating to national  
19 security, duties, obligations, travel, injuries, welfare, leave,  
20 retirement and other benefits) shall apply to persons in  
21 attorney positions.

22 AMENDMENT TO LLOYD-LA FOLLETTE ACT

23 SEC. 210. Section 6. of the Act of August 24, 1912,  
24 as amended (U. S. C., title 5, sec. 652 (a) ), is amended by  
25 inserting in subsection (a) thereof after the words "United

1 States" the phrase ", other than persons occupying attorney  
2 positions designated as such in accordance with section 203  
3 of the Legal Services Act,".

4 AMENDMENTS TO CLASSIFICATION ACT OF 1949

5 SEC. 211. Section 202 of the Classification Act of 1949,  
6 as amended (U. S. C., title 5, sec. 1082), is amended (1)  
7 by striking out the period at the end thereof and inserting  
8 in lieu thereof a semicolon; and (2) by adding the follow-  
9 ing new paragraph:

10 "(33) attorney positions designated as such in  
11 accordance with section 203 of the Legal Services Act.".

12 AMENDMENTS TO PERFORMANCE RATING ACT OF 1950

13 SEC. 212. Section 2 of the Performance Rating Act of  
14 1950, as amended (U. S. C., title 5, sec. 2001 (a)), is  
15 amended (1) by striking out the period at the end thereof  
16 and inserting in lieu thereof a semicolon; and (2) by adding  
17 the following new paragraph:

18 "(13) persons occupying attorney positions desig-  
19 nated as such in accordance with section 203 of the  
20 Legal Services Act.".

21 AMENDMENTS TO VETERANS' PREFERENCE ACT OF 1944

22 SEC. 213. (a) Section 12 of the Veterans' Preference  
23 Act of 1944, as amended (U. S. C., title 5, sec. 861), is  
24 amended by inserting after the word "employees" where it  
25 first appears ", other than persons occupying attorney posi-

1 tions designated as such in accordance with section 203 of the  
2 Legal Services Act,”.

3 (b) Section 14 of such Act, as amended (U. S. C., title  
4 5, sec. 863), is amended by inserting after the word “eli-  
5 gible” where it first appears “, other than a person holding  
6 an attorney position designated as such in accordance with  
7 section 203 of the Legal Services Act”.

8 REPEALS

9 SEC. 214. All laws or parts of laws inconsistent with  
10 the provisions of this title are hereby repealed.

11 TITLE III—DEPARTMENT OF DEFENSE

12 GENERAL COUNSEL OF THE ARMY

13 SEC. 300. (a) Section 102 (a) of the Army Organiza-  
14 tion Act of 1950 (64 Stat. 264), as amended (U. S. C.,  
15 title 5, sec. 181-5 (a) ), is amended (1) by striking out the  
16 word “four” and inserting in lieu thereof the word “five”, and  
17 (2) by inserting after the period at the end thereof the fol-  
18 lowing new sentence: “One of the five Assistant Secretaries of  
19 the Army shall be the General Counsel of the Army herein-  
20 after provided for in this section.”

21 (b) Such section 102 (a) of the Army Organization  
22 Act of 1950 (64 Stat. 264), as amended (U. S. C., title 5,  
23 sec. 181-5 (a) ), is further amended by adding at the end  
24 thereof the following new paragraph:

25 “There shall be in the Department of the Army a Gen-

1 eral Counsel of the Army who shall be appointed from civil-  
2 ian life by the President, by and with the advice and consent  
3 of the Senate. He shall be the chief legal officer of the  
4 Department of the Army, and shall be responsible for all  
5 legal functions within such Department, under the profes-  
6 sional supervision of the General Counsel of the Department  
7 of Defense."

8  
9 GENERAL COUNSEL OF THE NAVY

9 SEC. 301. (a) Section 2 of the Act of August 3, 1954  
10 (68 Stat. 652) (U. S. C., title 5, sec. 421a-1), is amended  
11 (1) by striking out the word "Two" and inserting in lieu  
12 thereof the word "Three", (2) by striking out the word  
13 "four" and inserting in lieu thereof the word "five", and (3)  
14 by inserting after the period at the end thereof the following  
15 new sentence: "One of the five Assistant Secretaries of the  
16 Navy shall be the General Counsel of the Navy hereinafter  
17 provided for in this section."

18 (b) Such section 2 of the Act of August 3, 1954, is  
19 further amended by adding at the end thereof the following  
20 new paragraph:

21 "There shall be in the Department of the Navy a Gen-  
22 eral Counsel of the Navy who shall be appointed from civilian  
23 life by the President, by and with the advice and consent of  
24 the Senate. He shall be the chief legal officer of the Depart-  
25 ment of the Navy, and shall be responsible for all legal func-



1 tions within the Department of the Navy, under the pro-  
2 fessional supervision of the General Counsel of the Depart-  
3 ment of Defense.”

4 GENERAL COUNSEL OF THE AIR FORCE

5 SEC. 302. (a) Section 102 (a) of the Air Force Organi-  
6 zation Act of 1951 (65 Stat. 327) as amended (U. S. C.,  
7 title 5, 626-1 (a)), is amended (1) by striking out  
8 the word “four” and inserting in lieu thereof the word “five”,  
9 and (2) by inserting after the period at the end thereof the  
10 following new sentence: “One of the five Assistant Secre-  
11 taries of the Air Force shall be the General Counsel of the  
12 Air Force hereinafter provided for in this section.”

13 (b) Such section 102 (a) of the Air Force Organization  
14 Act of 1951 (65 Stat. 327), as amended (U. S. C., title 5,  
15 sec. 626-1 (a)), is further amended by adding at the end  
16 thereof the following new paragraph:

17 “There shall be in the Department of the Air Force  
18 a General Counsel of the Air Force who shall be appointed  
19 from civilian life by the President, by and with the advice  
20 and consent of the Senate. He shall be the chief legal officer  
21 of the Department of the Air Force, and shall be responsible  
22 for all legal functions within the Department of the Air  
23 Force, under the professional supervision of the General  
24 Counsel of the Department of Defense.”

30.

1 (c) Subsection (d) of section 207 of the National Se-  
2 curity Act of 1947 (61 Stat. 502), as amended U. S. C.,  
3 title 5, sec. 626), is amended by striking out the word "four"  
4 and inserting in lieu thereof the word "five".

5 REPEALS

6 SEC. 303. All laws or parts of laws inconsistent with  
7 the provisions of this title are hereby repealed.

8 TITLE IV—JUDGE ADVOCATE GENERAL'S CORPS  
9 FOR THE NAVY

10 JUDGE ADVOCATE GENERAL'S CORPS

11 SEC. 400. There shall be in the Navy a Judge Advocate  
12 General's Corps which shall consist of the Judge Advocate  
13 General authorized by section 401 of this Act; the Assistant  
14 Judge Advocate General authorized by section 402 of this  
15 Act; the Assistant to the Judge Advocate General author-  
16 ized by section 403 of this Act; all line officers of the  
17 Regular Navy on active duty on the effective date of this  
18 Act who have been designated for special duty only (law) ;  
19 and Judge Advocates and Reserve Judge Advocates ap-  
20 pointed pursuant to sections 406 and 408 of this Act. The  
21 designations of such officers shall be changed to, and they  
22 shall be permanently appointed as, Judge Advocates of  
23 the Navy or Reserve Judge Advocates. All members of  
24 the Judge Advocate General's Corps shall perform their  
25 duties under the direction of the Judge Advocate General.

31

1 The authorized number of commissioned officers on the active  
2 list of the Judge Advocate General's Corps shall be not less  
3 than one and one-half per centum of the total authorized  
4 number of commissioned officers on the active list of the  
5 line of the Navy. The Judge Advocate's lineal list provided  
6 for in section 404 of this Act shall include only commissioned  
7 officers of the Regular Navy on the active list in the Judge  
8 Advocate General's Corps.

9 JUDGE ADVOCATE GENERAL

10 SEC. 401. The President, by and with the advice and  
11 consent of the Senate, shall appoint for a term of four years,  
12 from among Regular Navy officers of the Judge Advocate  
13 General's Corps who are recommended by the Secretary of  
14 the Navy, a Judge Advocate General who shall possess the  
15 qualifications enumerated in section 13 of the Act of May 5,  
16 1950 (64 Stat. 147) (U. S. C., title 50, sec. 741) : *Pro-*  
17 *vided*, That the qualification of "eight years' experience in  
18 legal duties" required by such section 13 shall include active  
19 service of not less than five years performed as a law special-  
20 list of the Regular Navy with the Navy Department numeri-  
21 cal designator 1620, or of the Naval Reserve with the Navy  
22 Department numerical designator 1625, or as a Judge Ad-  
23 vocate of the Judge Advocate General's Corps. Upon his  
24 appointment, the Judge Advocate General shall be appointed  
25 to the permanent rank of Rear Admiral (upper half) of the

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1 Regular Navy, if not then holding a permanent appointment  
2 in such rank. Any such appointment as Judge Advocate  
3 General may be terminated at any time by the President at  
4 his discretion. The term of office of the Judge Advocate  
5 General serving as such on the date of enactment of this Act  
6 shall expire upon the effective date of this Act.

## 7 ASSISTANT JUDGE ADVOCATE GENERAL

8 SEC. 402. The President, by and with the advice and  
9 consent of the Senate, shall appoint from among Regular  
10 Navy officers of the Judge Advocate General's Corps recom-  
11 mended by the Secretary of the Navy, an Assistant Judge  
12 Advocate General who shall be appointed to the permanent  
13 rank of Rear Admiral (lower half) and who shall possess  
14 the service qualifications for Judge Advocate General re-  
15 quired by section 401 of this Act. The officer so appointed  
16 as Assistant Judge Advocate General shall, during his term  
17 of office in that position, receive the highest pay of the rank  
18 of Rear Admiral.

## 19 ASSISTANT TO JUDGE ADVOCATE GENERAL

20 SEC. 403. The Secretary of the Navy shall, within thirty  
21 days after the establishment of the lineal list and assignment  
22 of running mates as provided in section 404 of this Act,  
23 appoint and convene a selection board pursuant to the pro-  
24 visions of Title III of the Officer Personnel Act of 1947,  
25 as amended (U. S. C., title 34), to consider for temporary

1 promotion to the rank of Rear Admiral and for appointment  
2 to the position of Assistant to the Judge Advocate General  
3 as provided in section 400 of this Act, an officer of the Judge  
4 Advocate General's Corps who possesses the service quali-  
5 fications for Judge Advocate General required by section  
6 401 of this Act. Within thirty days after the date of the  
7 approval of the report of such selection board by the Secre-  
8 tary of the Navy, the officer selected by such board for such  
9 appointment shall be promoted to the temporary rank of  
10 Rear Admiral (lower half) in the Judge Advocate General's  
11 Corps, unless he is otherwise entitled to the rank of Rear  
12 Admiral (upper half) in which event he shall continue in  
13 that rank.

14 JUDGE ADVOCATE'S LINEAL LINE

15 SEC. 404. (a) STATUS OF PRESENT OFFICERS.—All  
16 line officers of the Regular Navy on active duty on the effec-  
17 tive date of this Act who have been designated for special  
18 duty only (law) and who, pursuant to section 400 of this  
19 Act, are appointed as Judge Advocates of the United States  
20 Navy, shall retain the rank and lineal position held by them  
21 on the effective date of this Act, and shall retain the total  
22 commissioned service provided and computed under sec-  
23 tion 102 (d) of Title I of the Act of August 7, 1947 (61  
24 Stat. 798), as amended (U. S. C., title 34, sec. 3a (d)),

1 and section 2 of the Act of August 5, 1949 (63 Stat. 569),  
2 (U. S. C., title 34, sec. 211b-1) : *Provided*, That any such  
3 officer who held a higher rank in the Naval Reserve at the  
4 time of his appointment to the Regular Navy with the Navy  
5 Department numerical designator 1620 shall be restored to  
6 such higher rank, and shall, within sixty days after the effec-  
7 tive date of this Act, and in the manner provided in title III  
8 of the Officer Personnel Act of 1947, as amended (U. S. C.,  
9 title 34), be considered for promotion, and, if selected, shall  
10 be promoted to the higher rank that he would have attained  
11 if he had not transferred from the Naval Reserve to the Reg-  
12 ular Navy with the Navy Department numerical designator  
13 1620, but no retroactive pay or allowances shall accrue to  
14 any such officer by reason of the enactment of this subsection.

15 (b) LINEAL LIST.—Each such officer shall have as-  
16 signed as his running mate the line officer who is, on the  
17 effective date of this Act, next senior to him in rank on the  
18 lineal list of the line officers of the Regular Navy. After  
19 the assignment of running mates as provided herein is com-  
20 pleted, but not later than sixty days after the effective date  
21 of this Act, the Secretary of the Navy shall establish a single  
22 lineal list of the officers of the Judge Advocate General's Corps,  
23 and such officers shall be placed on such list in the order of  
24 seniority of their respective running mates: *Provided*, That  
25 in the event that more than one officer in the Judge Advocate

1 General's Corps is assigned the same running mate, such  
2 officers shall have lineal positions with respect to each other  
3 in accordance with the order of their seniority as of the date  
4 of enactment of this Act: *Provided further*, (1) That the  
5 authorized number of Judge Advocates in each rank shall be  
6 prescribed by the Secretary of the Navy so as to provide for  
7 a reasonable flow of promotions, but such numbers shall not,  
8 after ten years after the date of enactment of this Act, exceed  
9 the following percentages of the total number of the officers  
10 of the Judge Advocate General's Corps on the active list of  
11 the Navy at any one time, namely, one-half of 1 per centum  
12 in the rank of Rear Admiral, in addition to the Judge Advo-  
13 cate General,  $8\frac{1}{2}$  per centum in the rank of Captain, 20  
14 per centum in the rank of Commander, 26 per centum in the  
15 rank of Lieutenant Commander, and 45 per centum in the  
16 combined ranks of Lieutenant and Lieutenant (junior  
17 grade) ; and (2) that the number of Judge Advocates in any  
18 such rank may be increased to the extent that the percentage  
19 in any higher rank is reduced, but nothing herein shall be  
20 construed to require a reduction in rank for any officer trans-  
21 ferred to the Judge Advocate General's Corps pursuant to  
22 this Act.

23 RANK AND STAFF

24 SEC. 405: The Judge Advocate General's Corps shall  
25 be a Staff Corps of the Navy and shall consist of officers

1 having the rank of Lieutenant (junior grade) to Rear Ad-  
2 miral, inclusive. Such officers shall be subject to all of the  
3 provisions of law relating to the advancement in rank and  
4 retirement of officers in the several Staff Corps of the Navy.

5 QUALIFICATIONS FOR APPOINTMENT

6 SEC. 406. (a) GENERAL QUALIFICATIONS.—Except as  
7 provided in subsection (b) of this section, all persons ap-  
8 pointed to the Judge Advocate General's Corps after the  
9 date of enactment of this Act shall have the rank of Lieu-  
10 tenant (junior grade) to Lieutenant Commander, inclusive.  
11 No person shall be eligible for such appointment unless he is  
12 a citizen of the United States, is a graduate of an accredited  
13 law school, is a member of the bar of a Federal court or of  
14 the highest court of a State, Commonwealth, Territory, or  
15 Possession of the United States, or of the District of Colum-  
16 bia, and is of such age and possesses such physical, mental,  
17 moral, professional, and other qualifications for appointment  
18 as the Secretary of the Navy shall prescribe.

19 (b) TRANSFERS TO CORPS.—Any officer of the line or  
20 staff of the Regular Navy or of the Naval Reserve may, upon  
21 the acceptance of his application therefor by the Secretary  
22 of the Navy, be appointed a Judge Advocate of the Navy  
23 with the rank of not to exceed Commander. In accordance  
24 with such regulations as he shall prescribe, the Secretary of  
25 the Navy shall adjust the dates of rank in permanent grade



1 of the officers so appointed according to their professional  
2 legal qualifications. No such appointment shall be made if,  
3 as a result thereof, the authorized strength of the Judge Ad-  
4 vocate General's Corps specified in section 404 of this Act  
5 will be exceeded. Any officer who is appointed pursuant  
6 to this subsection as a Judge Advocate of the Navy with the  
7 rank of Commander shall be assigned to a position on the  
8 lineal list provided for by section 404 of this Act next below  
9 the Commander who holds the junior position on such list  
10 among the officers of the Regular Navy (1) who were  
11 on active duty on the date of enactment of this Act with  
12 the Navy Department numerical designator 1620, and (2)  
13 who, pursuant to section 400 of this Act, are appointed  
14 Judge Advocates of the Navy.

15 (c) REASSIGNMENT TO UNRESTRICTED LINE DUTY.—  
16 When it is determined by the Secretary of the Navy to be in  
17 the interest of the service, any officer appointed to the Judge  
18 Advocate General's Corps under the provisions of this sec-  
19 tion (1) who is serving in a rank below that of Captain,  
20 (2) who has served not more than three years under such  
21 appointment, and (3) who has been advanced not more  
22 than one rank while so serving, may, at his request and  
23 when determined to be qualified under regulations prescribed  
24 by the Secretary of the Navy, be reassigned as a line officer  
25 of the Navy not restricted in the performance of his duty.

1 Upon being so reassigned, his status as an officer of the  
2 Judge Advocate General's Corps shall terminate, and he  
3 shall not thereafter again be appointed an officer of the  
4 Judge Advocate General's Corps. Any officer so reassigned  
5 as a line officer of the Navy not restricted in the performance  
6 of his duty shall be an extra number in his grade until the  
7 next succeeding computation is made as authorized by sec-  
8 tions 103 (f) and 303 (g) of the Officer Personnel Act of  
9 1947, as amended.

10 REVOCATION OF COMMISSION

11 SEC. 407. The Secretary of the Navy, under such regu-  
12 lations as he may prescribe, may revoke the commission of  
13 any officer commissioned pursuant to section 406 of this Act  
14 in accordance with the provisions of section 12 of the Act  
15 of August 13, 1946, as amended by section 425 of the Act  
16 of August 7, 1947 (61 Stat. 880) (U. S. C., title 34, sec.  
17 405a).

18 RESERVE JUDGE ADVOCATES

19 SEC. 408. (a) APPOINTMENT OF PRESENT OFFI-  
20 CERS.—All officers of the Naval Reserve with the Navy De-  
21 partment numerical designator 1625 shall be appointed as  
22 Reserve Judge Advocates and shall be assigned to the Judge  
23 Advocate General's Corps in reserve status with the rank  
24 and lineal position they held on the effective date of this  
25 Act. All such officers shall be assigned running mates in

1 the manner provided for in section 404 of this Act for Judge  
2 Advocates of the Navy.

3 (b) OTHER APPOINTMENTS.—Any officer of the line  
4 or staff of the Naval Reserve who meets the eligibility re-  
5 quirements provided for in subsection (a) of section 406  
6 of this Act may, upon the acceptance of his application there-  
7 for by the Secretary of the Navy, be appointed a Reserve  
8 Judge Advocate in the Judge Advocate General's Corps.  
9 Any officer so appointed shall retain his rank and lineal posi-  
10 tion, and shall be assigned a running mate in the manner  
11 provided for in section 404 of this Act for Judge Advocates  
12 of the Navy. Any person who meets the eligibility require-  
13 ments provided for in subsection (a) of section 406 of this  
14 Act may, upon the acceptance of his application therefor  
15 by the Secretary of the Navy, be appointed a Reserve Judge  
16 Advocate in the Judge Advocate General's Corps.

17 ELIGIBILITY FOR COMMAND

18 SEC. 409. Officers of the Judge Advocate General's  
19 Corps shall be eligible to command, and to succeed to com-  
20 mand, in accordance with such regulations as the Secretary  
21 of the Navy shall prescribe.

22 IMPLEMENTATION BY SECRETARY OF THE NAVY

23 SEC. 410. The Secretary of the Navy shall prescribe  
24 such regulations as may be necessary to carry out the provi-  
25 sions of this title.

1        AMENDMENTS TO OFFICER PERSONNEL ACT OF 1947

2        SEC. 411. The Officer Personnel Act of 1947, as  
3 amended (U. S. C., title 34), is hereby further amended  
4 as follows:

5        (a) Section 202 (a) (U. S. C., title 34, sec. 3b (a) )  
6 is amended by inserting the words "Judge Advocate Gen-  
7 eral" and a comma immediately before the word "Medical"  
8 where it first appears.

9        (b) Section 203 (a) (U. S. C., title 34, sec. 5 (a) )  
10 is amended (1) by inserting the words "Judge Advocate  
11 General's Corps" and a comma immediately before the words  
12 "Medical Corps" wherever they appear, (2) by inserting  
13 the words "or Judge Advocate General" immediately after  
14 the word "bureau" wherever it appears, and (3) by adding  
15 the word "four" and a comma immediately before the word  
16 "fifteen".

17        (c) Section 203 (b) (U. S. C., title 34, sec. 5 (b) )  
18 is amended by inserting the words "Judge Advocate Gen-  
19 eral's Corps" and a comma immediately before the words  
20 "Medical Corps".

21        (d) Section 208 (d) (U. S. C., title 34, sec. 305 (d) )  
22 is amended by inserting the words "Judge Advocate Gen-  
23 eral's Corps and of the" immediately before the word  
24 "Supply".

25        (e) Section 208 (e) (U. S. C., title 34, sec. 305d

## 41

1 (d) ) is amended by inserting the words "Judge Advocate  
2 General's Corps" and a comma immediately before the word  
3 "Supply".

4 (f) Section 209 (a) (U. S. C., title 34, sec. 305e (a) )  
5 is amended by inserting the words "Judge Advocate Gen-  
6 eral's Corps and in the" immediately before the word  
7 "Supply".

8 (g) Section 210 (a) (U. S. C., title 34, sec. 305f (a) )  
9 is amended by inserting the words "Judge Advocate Gen-  
10 eral's Corps or in the" immediately before the word  
11 "Supply".

12 (h) Section 211 (d) (U. S. C., title 34, sec. 305g (d) )  
13 is amended (1) by inserting after "(b)" the words "Judge  
14 Advocate General's Corps officers, (c)", and (2) by chang-  
15 ing the letters in parentheses from (c), (d), (e), (f), (g),  
16 and (h), to (d), (e), (f), (g), (h), and (i), respectively.

17 (i) Section 212 (a) (U. S. C., title 34, sec. 410 (a) )  
18 is amended (1) by inserting the words "Four in the Judge  
19 Advocate General's Corps" and a comma immediately be-  
20 fore the words "Twenty-two"; and (2) by changing  
21 "Twenty-two" to "twenty-two".

22 (j) Section 213 (U. S. C., title 34, sec. 410i) is  
23 amended (1) by adding immediately after subsection (d)  
24 thereof, the following new subsection:

25 "(e) The Secretary of the Navy shall make a special

1 review of vacancies in the rank of Rear Admiral in the  
 2 Judge Advocate General's Corps in the second fiscal year  
 3 following the fiscal year in which the Judge Advocate Gen-  
 4 eral's Corps is established, and in the second year of each  
 5 two-year period thereafter, and should it be found in any  
 6 such second year, as of the time of the convening of a board  
 7 for the consideration of Captains of the Judge Advocate  
 8 General's Corps for promotion to the rank of Rear Admiral,  
 9 that no such Captain was selected during the preceding fiscal  
 10 year because of lack of existing and estimated vacancies,  
 11 and that no vacancy exists and none is estimated to occur  
 12 during the ensuing twelve-month period, the Secretary of  
 13 the Navy shall convene a board composed of one officer of  
 14 the Judge Advocate General's Corps and two officers of the  
 15 line, of the rank of Rear Admiral or above, to consider Rear  
 16 Admirals of the Judge Advocate General's Corps and to  
 17 recommend one such officer for retirement.", and (2) by  
 18 changing the letters in parenthesis from (e), (f), (g), and  
 19 (h) to (f), (g), (h), and (i), respectively.

20 (k) Section 303 (f) (U. S. C., title 34, sec. 5a (f))  
 21 is hereby amended by inserting immediately under the col-  
 22 umn headings "Total number of officers in the corps on  
 23 active duty" and "Number of rear admirals" the following:

"Judge Advocate General's Corps:	
"300-----"	2
"500-----"	3
"1,000-----"	5"

1       (1) Section 303 (h) (U. S. C., title 34, sec. 5a (h) )  
2 is amended by inserting the words "Judge Advocate Gen-  
3 eral's Corps" and a comma immediately before the words  
4 "Medical Corps".

5       (m) Section 308 (b) (4) (U. S. C., title 34, sec. 306c  
6 (b) (4) ) is amended by inserting the words "Judge Advo-  
7 cate General's Corps and of the" immediately before the  
8 word "Supply".

9       (n) Section 308 (b) (5) (U. S. C., title 34, sec. 306c  
10 (b) (5) ) is amended by inserting the words "Judge Advo-  
11 cate General's Corps" and a comma immediately before the  
12 word "Supply".

13       (o) Section 309 (b) (1) (U. S. C., title 34, sec. 306d  
14 (b) (1) ) is amended by inserting the words "Judge Advo-  
15 cate General's Corps and in the" immediately before the  
16 word "Supply".

17       (p) Section 310 (a) (U. S. C., title 34, sec. 360e (a) )  
18 is amended by inserting the words "Judge Advocate Gen-  
19 eral's Corps or in the" immediately before the word "Sup-  
20 ply".

21       (q) Section 311 (d) (2) , as amended (U. S. C., title  
22 34, sec. 306f (d) (2) ) , is amended (1) by inserting after  
23 "(b) " the words "Judge Advocate General's Corps officers  
24 (c) ", and (2) by changing the letters in parentheses from

1 (c), (d), (e), (f), (g), and (h) to (d), (e), (f), (g),  
2 (h), and (i), respectively.

3 (r) Section 312 (b) (U. S. C., title 34, sec. 410j (b) )  
4 is amended by inserting the words "four in the Judge Ad-  
5 vocate General's Corps" and a comma immediately before  
6 the word "twenty-two".

7 (s) Section 313 (b) (U. S. C., title 34, sec. 410l (b)  
8 (1) ) is hereby amended by inserting the words "Judge Ad-  
9 vocate General's Corps" and a comma immediately before  
10 the words "Medical Corps".

11 (t) Section 401 (a) (U. S. C., title 34, sec. 211b (a) )  
12 is amended by striking out the word "law".

13 AMENDMENTS TO THE UNIFORM CODE OF MILITARY  
14 JUSTICE

15 SEC. 412. The Uniform Code of Military Justice  
16 (U. S. C., title 50, ch. 22) is amended as follows:

17 (a) In Article 1 (13) (U. S. C., title 50, sec. 551  
18 (13) ) strike out the words "Navy or".

19 (b) In Article 6 (a) (U. S. C., title 50, sec. 556 (a) )  
20 add a comma and the word "Navy" immediately after the  
21 word "Army", and strike out the words "Navy and".

22 (c) In Article 27 (b) (1) (U. S. C., title 50, sec.  
23 591 (b) ) add a comma and the word "Navy" immediately  
24 after the word "Army", and strike out the words "Navy  
25 or".



45

1 (d) In Article 65 (c) (U. S. C., title 50, sec. 652 (c) )  
2 add a comma and the word "Navy" immediately after the  
3 word "Army", and strike out "a law specialist of the Navy,".

4 (e) In Article 136 (a) (1) (U. S. C., title 50, sec.  
5 732 (a) (1) ) add a comma and the word "Navy" immedi-  
6 ately after the word "Army".

7 REPEALS

8 SEC. 413. All laws or parts of laws inconsistent with the  
9 provisions of this title are hereby repealed.

10 TITLE V—GENERAL PROVISIONS

11 SEPARABILITY

12 SEC. 500. If any provision of this Act or the application  
13 thereof to any person or circumstances is held invalid, the  
14 remainder of this Act and the application of such provisions  
15 to other persons or circumstances shall not be affected  
16 thereby.

17 EFFECTIVE DATE

18 SEC. 501. This Act shall take effect on the 180th day  
19 after the date of its enactment.

84TH CONGRESS  
1ST Session

## H. R. 6115

### A BILL

To improve legal services in the executive branch of the Government by establishing certain offices within the Department of Justice and defining the functions thereof, creating a legal career service, establishing certain offices within the Department of Defense and defining the functions thereof, and creating a Judge Advocate General's Corps for the Navy, and for other purposes.

By Mr. THOMPSON of New Jersey

MAY 9, 1935

Referred to the Committee on the Judiciary